



Paper No. 5

PATENT ADMINISTRATOR
KATTEN MUCHIN ZAVIS ROSENMAN
525 WEST MONROE STREET
SUITE 1600
CHICAGO, IL 60661-3693

COPY MAILED

AUG 14 2002

OFFICE OF PETITIONS

DECISION GRANTING
PETITION

In re Application of
Neter et al.
Application No. 09/996,991
Filed: November 30, 2001
Attorney Docket No. 13201.00137

This is a decision on the petition filed February 25, 2002, to establish that pages 8 and 9 of the specification were part of the originally filed application.

The petition under 37 CFR 1.53 is **dismissed**.

Any request for reconsideration must be submitted within TWO (2) MONTHS from the mail date of this decision. No further petition fee is required for the request. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.53." This is **not** final agency action within the meaning of 5 U.S.C. § 704.

On November 30, 2001, the application was filed.

On December 28, 2001, the Office of Initial Patent Examination mailed a Notice stating that the application had been accorded a filing date of November 30, 2001, and advising applicants that pages 8 and 9 of the specification appeared to have been omitted.

In response, the present petition was filed alleging that pages 8 and 9 were deposited on November 30, 2001. In support, petitioner has submitted a postcard receipt which acknowledges receipt of "Specification (including claims & abstract) (71 pp)" on November 30, 2001.¹ Petitioner has also submitted a copy of the missing documentation- pages 8 and 9 of the specification.

Upon review of the record, pages 8 and 9, deposited on November 30, 2001, have not been located. The evidence is convincing that the application papers deposited on November 30, 2001, included pages 8 and 9, and that the pages were subsequently misplaced in the PTO.

However, the copy of pages 8 and 9 submitted with the petition cannot be used for examination purposes. The petition states, "enclosed for the Examiner's convenience are copies of page 8 and

¹ Evidence of receipt of any correspondence filed in the Patent and Trademark Office can be obtained by submitting a self addressed post card properly itemizing and identifying the paper or papers being filed. Upon receipt of the correspondence, the Patent and Trademark Office will check the listing on the post card against the papers submitted, making sure that all items listed are present and will then stamp the postcard with an Official date stamp and place the post card in the outgoing mail. "A post card receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the PTO of all items listed thereon by the PTO." M.P.E.P. § 503.

Application No. 09/996,991

9." The copies of pages 8 and 9 are partially illegible. For example, on page 8, words such as "preform", "and", "heat", "those", "molding", "the", "cooling" and others have portions of letters omitted. Page 9 also is partially illegible. OIPE cannot scan the entire specification if portions are illegible. Copies of page 8 and 9 as submitted are attached. It should be noted that the other pages of the specification are clearly legible.

Petitioner should submit a legible copy of pages 8 and 9.

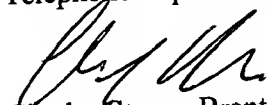
Further correspondence with respect to this matter should be addressed as follows:

By mail: Commissioner for Patents
Box DAC
Washington, D.C. 20231

By facsimile: (703) 308-6916
Attn: Office of Petitions

By hand: Office of Petitions
2201 South Clark Place
Crystal Plaza 4, Suite 3C23
Arlington, VA 22202

Telephone inquiries should be directed to Petitions Attorney Steven Brantley at (703) 306-5683.



Charles Steven Brantley
Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

Attached: Copies of Page 8 and 9